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6 TRUCK-RAIL HANDLING INC., and
7 QUALITY TRANSPORT, INC.,

8 Plaintiffs,

9 No. C 02-02825 JSW

10 v.
11 BURLINGTON NORTHERN AND SANTA
12 FE RAILWAY COMPANY,

13 Defendant.

14 **ORDER TO SHOW CAUSE**

15 On May 10, 2005, Defendant Burlington Northern and Santa Fe Railway Company
16 (“BNSF”) filed a miscellaneous administrative request for an additional seven days in which to file its
17 reply brief, pursuant to this Court’s Order requiring briefing on Plaintiffs’ conspiracy to monopolize
18 claim. Plaintiffs’ opposition was due on May 6, 2005, and BNSF’s reply was due on May 13, 2005.

19 BNSF seeks the additional time because although Plaintiffs served their opposition brief and
20 two declarations in support of the opposition, BNSF claims that Plaintiffs failed to serve the exhibits
21 attached to those declarations on BNSF. A review of the Plaintiffs’ certificate of service indicates that
22 Plaintiffs served the exhibits and their brief by U.S. mail on May 6, 2005.

23 BNSF also requested that Plaintiffs provide it with copies of the exhibits, and Plaintiffs replied
24 that the exhibits already were in BNSF’s possession. The Court has conducted a cursory review of
25 Plaintiffs’ opposition brief and concludes that the new exhibits referenced in that brief are not
26 sufficiently identified that BNSF could easily locate the documents in its own files. Moreover, it would
27 appear that service by mail was an inadequate method of service to insure that BNSF received the
28 exhibits in sufficient time to prepare its reply brief.

1 By a separate Order issued on this date, the Court has ordered Plaintiffs' to serve the exhibits
2 on BNSF by May 11, 2005. Plaintiffs are FURTHER ORDERED TO SHOW CAUSE, in writing,
3 why sanctions should not be imposed in the form of payment of the attorneys' fees BNSF incurred in
4 attempting to obtain the exhibits and seeking relief from the Court for the additional time necessary to
5 respond to the briefing. Plaintiffs' response shall be due on May 20, 2005, and the Court shall
6 address this matter at the case management conference set for June 10, 2005.

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8 **IT IS SO ORDERED.**

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10 Dated: May 11, 2005

11 /s/ Jeffrey S. White
12 JEFFREY S. WHITE
13 UNITED STATES DISTRICT JUDGE